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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,664	07/14/2006	Sai Shankar Nandagopalan	PHUS030247	2487
24737	7590	05/27/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			OBAYANJU, OMONIYI	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2617	
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			05/27/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/565,664	NANDAGOPALAN, SAI SHANKAR	
	<b>Examiner</b>	<b>Art Unit</b>	
	OMONIYI A. OBAYANJU	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 May 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 14-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 and 14-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 December 2008 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/23/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/04/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 05/04/2009 have been fully considered but they are not persuasive.

Applicant argues that Applicant argues that Cimini fails to disclose "an individually allocated transmission time for each of the wireless stations based on the wireless station's transmission requirements at set physical transmission rate."

In response, examiner respectfully disagrees with applicant's argument. Cimini, JR. et al. in [fig. 5, fig. 10, and respective description throughout the specification], teaches individually (different) allocated transmission time for each of the wireless stations based on the wireless station's transmission requirements (needs, i.e. some at lower rate, and some higher rate) at set physical transmission rate [pg. 3, pp0034-pp0036, and pg. 5, pp0057]. Also, it is inherent and therefore understood and/or known in the art to allocate different transmission time to plurality of devices based on their

needs or transmission requirements. A communication network serves multiple or different terminals or users, and therefore allocates transmission time differently and/or individually based on each terminal's transmission criteria as known in the art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cimini, JR. et al. (US Publication No. 20030133427).

As to claim 1, Cimini teaches a method of providing bandwidth fairness in a wireless network that includes a plurality of wireless stations (abs, and pg. 4, pp0049, lines 7-8), the method comprising: determining bandwidth requirement (abs, and pg. 3, pp0036, lines 1-8) for a particular service interval (pg. 1, pp0005 lines 13-16) for each of the wireless stations (fig. 1b, #12a,b,c); determining an individually (different, fig. 5) allocated transmission time for each of the wireless stations based on each of the wireless station's transmission requirements (pg. 3, pp0036) at a set physical transmission rate (pg. 3, pp0034 lines 14-16, and pp0037, lines 1-5); and fragmenting a

packet by at least one of the wireless stations if the at least one wireless station transmits at a transmission rate that is lower than the set physical transmission rate (pg. 5, pp0060, lines 1-4 and pp0048, lines 13-15).

**As to claim 2,** Cimini teaches wherein the allocated time for each of the plurality of wireless stations is proportional to the quantity of data to be sent by the respective stations (abs) during a service interval (pg. 1, pp0005 lines 13-16).

**As to claim 3,** Cimini teaches wherein for each of the at least one wireless station a number of the fragments is equal to the set physical transmission rate divided by the lower transmission rate (pg. 4, pp0042 lines 7-11).

**As to claim 4,** Cimini teaches wherein the allocated transmission time is equal to the total data of all packets generated in the beacon interval divided by the set physical transmission rate (pg. 4, pp0049).

**As to claim 5,** Cimini teaches wherein the wireless network is a multiple physical transmission rate wireless network (pg. 2, pp0030, lines 5-10).

**As to claim 6,** Cimini teaches wherein the wireless network is a Generalized Packet Radio Service (GPRS) network (pg. 1, pp0003, lines 11-12, Transmitting data at different transmitting rate is equivalent to (GPRS) network).

**As to claim 7,** Cimini teaches wherein the wireless network is a Wireless Local Area Network (WLAN) (pg.1, pp0003, line 1).

**As to claim 8,** Cimini teaches wherein each of the at least one wireless stations transmits all remaining fragments after all wireless stations that transmit at the set

physical transmission rate have completed transmitting their packets (pg. 5, pp0062, lines 1-5).

**As to claim 9,** Cimini teaches further comprising maintaining a particular quality of service QoS for each of the wireless stations that maintain transmission at the set physical transmission rate during a service interval (pg. 3, pp0037 lines 8-15).

**As to claim 10,** Cimini teaches wherein each of the at least one wireless stations transmits all remaining fragments (fragments equivalent to packet) until its physical transmission rate is greater than the set physical transmission rate (pg.5, pp0057, lines 1-7).

**As to claim 11,** Cimini teaches a wireless network, comprising: at least one access point (fig. 1b, #12d); and a plurality of wireless stations (fig. 1b, #12a, b, c), wherein in each service interval (pg. 1, pp0005 lines 13-16), the access point (fig. 1b, #12d) individually (different, fig. 5) allocates a transmission time for each of the wireless stations based on each of the wireless station's transmission requirements at a set physical transmission rate (pg. 3, pp0034 lines 14-16, and pp0037, lines 1-5) that is fixed for the service interval and wherein the plurality of wireless stations transmit at the set physical transmission rate (pg. 3, pp0038, lines 1-6); and wherein if any of the plurality of wireless stations change their transmission rate to a lower transmission rate than the set physical transmission rate during the service interval (pg. 1, pp0005, lines 13-16), each of the wireless stations that change their transmission rate fragment their respective packets into two or more fragments of equal length (pg. 1, pp0005, lines 16-19)

**As to claim 14,** Cimini teaches wherein the number of fragments is equal to the lower transmission rate divided by the set transmission rate (pg. 4, pp0042 lines 7-11).

**As to claim 15,** Cimini teaches wherein the transmission time is equal to the total data of all packets generated in the beacon interval divided by the set physical transmission rate (pg. 4, pp0049).

**As to claim 16,** Cimini teaches wherein each of the plurality of wireless stations is adapted to transmit at multiple physical transmission rates (pg. 2, pp0030, lines 5-10).

**As to claim 17,** Cimini teaches wherein the wireless network is a Generalized Packet Radio Service (GPRS) network (pg. 1, pp0003, lines 11-12, Transmitting data at different transmitting rate is equivalent to (GPRS) network).

**As to claim 18,** Cimini teaches where the wireless network is a Wireless Local Area Network (WLAN) (pg.1, pp0003, line 1).

**As to claim 19,** Cimini teaches wherein a particular quality of service (QoS) is maintained for each of the plurality of wireless stations that transmit at the set physical transmission rate for the entire service interval (pg. 3, pp0037 lines 8-15).

**As to claim 20,** Cimini teaches wherein each of the wireless stations that change their transmission rate to a lower transmission rate than the set physical transmission rate during the service interval (pg. 1, pp0005 lines 13-16) send their remaining fragments after all wireless station that transmit at the set transmission rate have completed transmission of their respective packets (pg. 5, pp0062, lines 1-5).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 2617

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